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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 THOMAS EUGENE MOORE,

11 Petitioner,

No. CIV S-02-0007 DFL DAD P

12 vs.

13 A.A. LAMARQUE, et al.,

14 Respondents.

ORDER

15 \_\_\_\_\_/  
16 Petitioner is a state prisoner proceeding pro se with a fourth amended petition for  
17 a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This action was stayed on March 30, 2004  
18 in order to allow petitioner to exhaust state court remedies with respect to additional claims. On  
19 March 12, 2007 the undersigned filed findings and recommendations recommending that the stay  
20 be lifted. Those findings and recommendations are pending before the District Judge.

21 On April 20, 2007, petitioner filed a letter inquiring whether he must wait for the  
22 stay to be lifted before he files his fifth amended petition. Petitioner is advised that he must wait  
23 until the stay is lifted to file and serve a motion for leave to file a fifth amended petition and his  
24 proposed fifth amended petition. Petitioner was cautioned in the court's March 12, 2007 order  
25 and findings and recommendations, that he will need to establish that the new claims relate back  
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1 to and share a common core of operative facts with the claims set forth in his fourth amended  
2 petition. See Order and Findings and Recommendations, filed 3/12/07, n.6 at 4.

3 Accordingly, IT IS HEREBY ORDERED that petitioner's April 20, 2007 letter to  
4 the court shall be placed in the file.

5 DATED: April 26, 2007.

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8 DAD:4  
9 moor0007.ltr

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE